



76

Docket No. SPLX.P0098

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, Alexandria, VA 22313-1450, on June 3, 2003.

Mani Ageli

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Steven Teig, et al.

Serial No.: 10/061,719

Filing Date: 1/31/02

For: METHOD AND APPARATUS FOR
PERFORMING TECHNOLOGY
MAPPING

PETITION UNDER 37 CFR § 1.137(B)/(F)

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby petition the Commissioner to revive, if necessary, the above-identified application and accept a modified Request to Rescind Previous Nonpublication Request under 35 U.S.C. § 122(b)(2)(B)(ii) (referred to below as the "revised Request to Rescind"). To comply with 35 U.S.C. §122 and 37 CFR 1.213, Applicants previously submitted a Request to Rescind Previous Non-Publication Request (referred to below as the "original Request to Rescind"), within forty-five days of filing a PCT application claiming priority to the patent applications (U.S. Apps 10/061,459, 10/062,017, 10/062,014, 10/062,044) related to the above-identified

06/09/2003 AWONDAF1 00000146 10061719

01 FC:1453

1300.00 OP

application and with the same exact specification as the above-mentioned application. The original Request to Rescind was the Patent Office form PTO/SB/36, version 11-00.

Applicants' attorney recently reviewed Deputy Commissioner Kunin's "Reminder that Rescission of a Nonpublication Request is not Itself a Notice of Foreign Filing." *See* OG Notices: 06 May 2003. This reminder reminds applicants that a Rescission of a Nonpublication Request does not operate as a Notice of Foreign filing, and encourages applications to use Patent Office form PTO/SB/36, version April 2001 to rescind a Nonpublication Request as this form also contains a notice regarding foreign filing. Applicants' attorney has also recently reviewed a Notice Regarding Rescission of Nonpublication Request that the Applicants received for the above-identified application. This Notice identifies Patent Office form PTO/SB/36, version 10/01 as the proper form to use to rescind a nonpublication request and to provide notice of foreign filing.

As mentioned above, Applicants submitted a previous version of the Patent Office form PTO/SB/36 (i.e., the 11-00 version). Applicants have realized that this previous version does not contain a notice of foreign filing. Applicants, therefore, have enclosed the revised Request to Rescind, which includes the required notice of foreign filing. Applicants have also enclosed a credit card payment form authorizing the required petition fee. Applicants have further enclosed a Declaration In Support of the Petition Under 37 CFR § 1.137(b)/(f). Applicants have also enclosed a copy of the original Request to Rescind and a copy of the postcard accompanying the original Request to Rescind.

Applicants respectfully submit that the entire delay for failure to submit the modified Request to Rescind with the requisite notice of foreign filing was unintentional. Under 35 USC § 122(b)(2)(B)(iii), Applicants request revival, if necessary, of the above-identified application and acceptance of the modified Request to Rescind and this petition.

Applicants petition for any other relief required for the allowance of this petition and hereby authorize the Commissioner to charge any additional cost associated with this petition to Deposit Account No. 50-1128 referencing SPLX.P0098.

Dated: June 3, 2003

Respectfully submitted,

By:


Mani Adeli

Registration No. 39,585

Stattler, Johansen & Adeli LLP
P.O. Box 51860
Palo Alto, CA 94303-0728

Phone No. (650) 752-0990 x102
Fax No. (650) 752-0995